

# SENATE BILL No. 316

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-28-4.5.

**Synopsis:** Nursing home complaint registry. Establishes the health facility investigation disclosure registry (registry) to be implemented and maintained by the state department of health (state department). Sets forth requirements of the registry. Requires certain investigatory entities to report substantiated complaints concerning a health facility to the state department for inclusion in the registry. Requires a health facility to disclose to certain individuals information concerning a substantiated complaint in the registry. Allows the state department to fine a health facility for failing to disclose information concerning the substantiated complaint.

**Effective:** July 1, 2016.

---

---

## Charbonneau

---

---

January 7, 2016, read first time and referred to Committee on Health & Provider Services.

---

---



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 316

---

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-18-2-193.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 193.3. "Investigating entity", for**  
4 **purposes of IC 16-28-4.5, has the meaning set forth in**  
5 **IC 16-28-4.5-1.**

6       SECTION 2. IC 16-18-2-314.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2016]: **Sec. 314.5. "Registry", for purposes**  
9 **of IC 16-28-4.5, has the meaning set forth in IC 16-28-4.5-2.**

10       SECTION 3. IC 16-28-4.5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2016]:

13       **Chapter 4.5. Health Facility Investigation Disclosure Registry**  
14       **Sec. 1. As used in this chapter, "investigating entity" refers to**  
15 **any of the following that investigate a complaint concerning an**  
16 **incident at, or concerning a health facility with a patient, employee,**  
17 **or owner of, a health facility:**



- (1) A law enforcement agency (as defined in IC 35-47-15-2).
- (2) The adult protective services unit (as defined in IC 12-7-2-2).
- (3) The state department.
- (4) Any other state or local investigating entity.

**Sec. 2.** As used in this chapter, "registry" refers to the health facility investigation disclosure registry established under section 3 of this chapter.

**Sec. 3. (a)** The state department shall implement and maintain a public statewide health facility investigation disclosure registry. The registry must include the following information:

- (1) A substantiated complaint against a health facility.
- (2) The type of complaint, including whether the actions alleged in the complaint resulted in death or injury.
- (3) The severity of the substantiated complaint as described by the categories listed in IC 16-28-5-1.
- (4) The name and location of the health facility with which the substantiated complaint is associated.
- (5) The investigating entity of the substantiated complaint.
- (6) The status of the substantiated complaint.

**(b)** The state department shall remove a complaint from the registry when any of the following occur:

- (1) The investigating entity:
  - (A) has closed investigation on the complaint without referring the complaint to another investigatory entity;
  - (B) has, based on further investigation, determined that the complaint is without merit or that there is insufficient evidence to substantiate the complaint; and
  - (C) has notified the state department of the closure of the complaint.
- (2) A substantiated complaint has been included in the health facility's survey by the state department.

**Sec. 4. (a)** An investigating entity shall report, in the manner determined by the state department, any substantiated complaint to the state department for inclusion in the registry. The investigating entity must include the information required under section 3 of this chapter in the investigating entity's report to the state department.

**(b)** The investigating entity shall report to the state department when the investigating entity closes or otherwise terminates investigation of a substantiated complaint.

**(c)** The state department shall maintain any personally



1 identifying information included in the reports made under this  
2 section in a confidential manner.

3 Sec. 5. The state department shall publish the registry  
4 maintained under this chapter on the state department's Internet  
5 web site.

6 Sec. 6. (a) The state department shall notify a health facility  
7 when the state department:

8 (1) places a substantiated complaint against the health facility  
9 in; and

10 (2) removes the complaint from;  
11 the registry.

12 (b) A health facility for which a substantiated complaint is  
13 included in the registry under this chapter shall disclose the  
14 information concerning the complaint to any individual and the  
15 individual's health care representative before the individual may  
16 become a patient at the health facility.

17 (c) The state department shall impose a fine under IC 16-28-5-4  
18 against a health facility that violates this section.

19 Sec. 7. The state department may adopt rules under IC 4-22-2  
20 necessary to implement this chapter.

